

Appl. No. : 09/988,728
Filed : November 16, 2001

REMARKS

Claims 1, 7, 18, and 32 have been amended by this paper and Claims 35-37 have been added. Claims 23-29 were previously withdrawn and are cancelled herein, and Claims 2-6, 9-17, 19-22, 30, 31 and 33 remain unchanged by this amendment. Claims 34-37 have been added. Hence, by this paper, Claims 1-22 and 30-37 are presented for further examination.

The specific changes to the specification and the amended claims are shown in the above section entitled IN THE CLAIMS. On this set of pages, the insertions are underlined while the ~~deletions are stricken through~~.

Applicant expresses appreciation to Examiner Lum and the supervisory Examiner Nguyen for their time in preparing for and participating in a personal interview with counsel for Applicant on May 3, 2005. A summary of the substance of that interview is shown in the above section entitled SUMMARY OF THE INTERVIEW.

In an Office Action mailed April 14, 2005, Claims 1, 7 and 32 were objected to because of informalities identified in the Office Action. In response thereto, Claims 1, 7 and 32 have been amended to correct the informalities in the manner suggested in the Office Action.

In the Office Action, Claims 18-20 and 32 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. With regard to Claim 18, the Examiner indicated that there is insufficient antecedent basis for the term "capture modules" in line 3. By this paper, Claim 18 has been amended to replace the term "capture modules" with "the capture agents". Applicant submits that there is appropriate antecedent basis for this term, and thus that the rejection of Claim 18 under 35 U.S.C. § 112, second paragraph is overcome. Furthermore, since Claims 19 and 20 each depend from Claim 18, Applicant submits that the corresponding rejection of those claims is also overcome by virtue of this amendment.

The Examiner stated that Claim 32 is vague and confusing since it is unclear what the structural or functional relationships between the streptavidin layer first antibody and second antibody are. In response thereto, Claim 32 has been amended to recite the relationship between the indicated layers. Accordingly, Applicant submits that the rejection of Claim 32 under 35 U.S.C. § 112, second paragraph has been overcome.

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In the Office Action, Claims 1-15, 17-22 and 30-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sheppard, Jr. et al. (US Patent No. 6,143,247, hereinafter "Sheppard") in view of Sizto, et al. (US Patent No. 5,962,238, hereinafter "Sizto"). Furthermore, Claims 16, 32 and 33 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Sheppard in view of Sizto in combination with several other references.

During the interview conducted on May 3, 2005, the features of Claim 1 were discussed with respect to the Sheppard and Sizto references. In particular, Applicants noted that Sheppard does not teach a "trigger signal". Furthermore, it was agreed that if the limitations of Claim 34, as presented herein, were placed in Claim 1, it appeared that the Sheppard reference would be overcome.

Upon subsequent consideration of the Claims, Applicant has presented amended Claim 1 herein, to include the features of :

"loading the disc into an optical reader which includes a detector and a trigger sensor; ...

"detecting by use of the detector at least one beam of electromagnetic radiation formed after interacting with the disc at the at least one capture zone; ...

detecting trigger information by use of the trigger sensor from a disc location that is separate from the at least one capture zone; ...

generating a trigger signal in response to the detected trigger information;

...

processing at least a portion of the output signal in response to the trigger signal; ..."

Applicant respectfully submits that there is neither any teaching nor suggestion in Sheppard or Sizto as to a method by which a disc is loaded into an optical reader which includes a detector and a trigger sensor. Furthermore, there is also no teaching nor suggestion of the detecting steps of Claim 1, wherein detection of at least one beam of electromagnetic radiation formed after interacting with the disc at the at least one capture zone is accomplished by use of the detector, while detection of trigger information from a disc location that is separate from the at least one capture zone is accomplished by use of the trigger sensor. (See, e.g., Figure 3 and

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Specification page 22, lines 8-15.) There is no separate trigger sensor provided for in either Sheppard or Sizto, nor is there a detection process as described above.

Accordingly, for at least the reasons set forth above, Applicant submits that independent Claim 1 defines subject matter which patentably distinguishes over the art of record. Furthermore, since each of Claims 2-22 and 30-37 depend from independent Claim 1, Applicant respectfully submits that these claims also define subject matter which is patentable for at least the reasons set forth with respect to Claim 1.

In the Office Action, Claims 1-22 and 30-33 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 2-11 of copending U.S. Application 10/230,959 in view of Sheppard and Sizto. The Examiner also indicated that this rejection also applies to Claims 1-10 and 13-46 of copending U.S. Application No. 10/233,322 and Claims 17-23 of copending U.S. Application No. 10/293,214. Applicant respectfully submits that the amendments to the claims presented herein now define subject matter which is patentably distinct from the indicated claims of copending Applications No. 10/230,959 in view of Sheppard and Sizto. Applicant also submits that the claims are patentably distinct over Claims 1-10 and 13-46 of copending Application No. 10/233,322 and Claims 17-23 of copending Application No. 10/293,214. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this provisional rejection. Nevertheless, if this rejection is maintained, prior to issuance of these claims Applicant will submit an appropriate Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) to overcome this rejection.

In view of the foregoing, Applicant respectfully submits that Claims 1-22 and 30-37, as presented herein, define subject matter that is patentable over the art of record. Accordingly, Applicant respectfully submits that Claims 1-22 and 30-37 are now in condition for immediate allowance and such prompt allowance of the same is respectfully requested.

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CONCLUSION

The Applicant has endeavored to address all of the concerns of the Examiner in view of the recent Office Action directed to the above-identified application. Accordingly, amendments to the claims, the reasons therefor and arguments in support of the patentability of the pending claims are presented above.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. Any new claims presented above are of course intended to avoid the prior art, but are not intended as replacements or substitutes for any cancelled claims. They are simply additional specific statements of inventive concepts described in the application as originally filed.

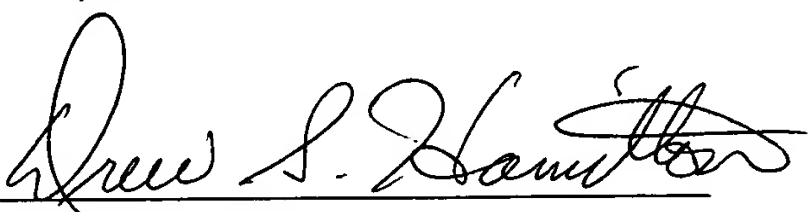
In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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